

EXHIBIT 1

State of Alabama Unified Judicial System Form C-34 Rev. 4/2017	SUMMONS -CIVIL-	Court Case Number <div style="font-size: 1.5em; font-family: cursive;">CV 22 10</div>
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IN THE CIRCUIT **COURT OF** WALKER **COUNTY, ALABAMA**
(Circuit, District, or Juvenile) (Name of County)

GEORGE THOMAS, as Personal Representative of the **v.** BEHR Paint Company
Estate of Rebecca Thomas, deceased [Name(s) of Plaintiff(s)] [Name(s) of Defendant(s)]

NOTICE TO: BEHR Paint Company 1801 E. St. Andrew Place Santa Ana, CA 92705
(Name and Address of Defendant)

THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S), Zachary S. Morro, Esq., WHOSE
[Name(s) of Attorney(s)]
 ADDRESS(ES) IS/ARE: 1501 Decatur Hwy Gardendale, AL 35071
[Address(es) of Plaintiff(s) or Attorney(s)]

THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.

TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE TO SERVE PROCESS:

☐ You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.

☒ Service by certified mail of this Summons is initiated upon the written request of Zachary S. Morro, Esq.
[Name(s)]
 pursuant to the Alabama Rules of Civil Procedure.

FILED

APR 28 2022

Susan Odum By: _____
(Signature of Clerk) (Name)

☐ Certified Mail is hereby requested. Susan Odum
(Plaintiff's/Attorney's Signature)

RETURN ON SERVICE

☐ Return receipt of certified mail received in this office on _____
(Date)

☐ I certify that I personally delivered a copy of this Summons and Complaint or other document to _____
(Name of Person Served) in _____ County,
 Alabama on _____
(Date)

(Type of Process Server) (Server's Signature) (Address of Server)

(Server's Printed Name) (Phone Number of Server)

IN THE CIRCUIT COURT OF WALKER COUNTY, ALABAMA

GEORGE THOMAS, as Personal
Representative of the Estate of Rebecca
Thomas, deceased,

Plaintiff,

vs.

BEHR PAINT COMPANY,

Defendant.

Civil Action No.

CV 22-10

FILED

APR 28 2022

Susan Selom
CIRCUIT CLERK-WALKER COUNTY, AL

COMPLAINT

1. George Thomas ("Plaintiff") is an individual who resides in Walker County, Alabama. Plaintiff brings this action as Personal Representative of the Estate of Rebecca Thomas, deceased.

2. Behr Paint Company ("Defendant" or "BEHR") is a California based supplier of architectural paint and exterior wood care products to the United States. BEHR manufactures interior house paints, exterior house paints, decorative finishes, primers, stains, and surface preparation products sold at The Home Depot.

3. On or about March 7, 2020, the Rebecca Thomas purchased 3 gallons of Wet-Look Sealer ("sealer") at The Home Depot located in Jasper, Alabama.

4. On or about March 7, 2020, Rebecca Thomas applied the sealer at a home she was renovating with her husband. Rebecca wore eyeglasses, gloves, and took all recommended safety precautions before applying the sealer.

5. Immediately after using the sealer, Rebecca became ill and started exhibiting serious symptoms such as large blue bruises and pin-size blue dots appearing in her mouth.

6. Rebecca Thomas immediately went to the urgent care doctor located in Jasper, Alabama. The doctor at urgent care, Dr. Naden, immediately had Rebecca admitted to the hospital for suspicion of acute leukemia.

7. Rebecca was referred to an oncologist at Princeton Baptist Medical Center where she was diagnosed with acute leukemia.

8. Rebecca Thomas was treated at Princeton for several days before being transferred to the oncology department at the University of Alabama at Birmingham Hospital in Birmingham, Alabama, where she was treated for acute leukemia from March 2020 until May 5, 2020.

9. The BEHR Wet-Look Sealer Rebecca Thomas used contained the ingredient Benzene. Benzene is a toxic chemical that is known to cause Acute Myeloid Leukemia (AML) and several other types of blood cancer, including Non-Hodgkin Lymphoma and Myelodysplastic Syndrome. Even low-level exposure to benzene is harmful.

10. The International Agency for Research on Cancer (IARC) is part of the World Health Organization (WHO). One of its goals is to identify causes of cancer. IARC classifies benzene as “carcinogenic to humans,” based on sufficient evidence that benzene causes acute myeloid leukemia (AML). IARC also notes that benzene exposure has been linked with acute lymphocytic leukemia (ALL), chronic lymphocytic leukemia (CLL), multiple myeloma, and non-Hodgkin lymphoma.

11. The National Toxicology Program (NTP) is formed from parts of several different US government agencies, including the National Institutes of Health (NIH), the Centers for Disease Control and Prevention (CDC), and the Food and Drug Administration (FDA). The NTP has classified benzene as “known to be a human carcinogen.”

12. The US Environmental Protection Agency (EPA) maintains the Integrated Risk Information System (IRIS), an electronic database that contains information on human health effects from exposure to various substances in the environment. The EPA classifies benzene as a known human carcinogen.

13. The Defendant sold the sealer and placed it in the stream of commerce where Rebecca Thomas was the ultimate consumer of the product when she purchased it from the Home Depot.

14. The sealer reached Rebecca Thomas, the ultimate consumer of said product, without any substantial change in its condition from the time it was sold by the Defendant.

15. The sealer when it reached Rebecca Thomas was in a defective condition and/or in a condition that was unreasonably dangerous to the Plaintiff as the ultimate consumer, as those terms are defined by the Alabama Extended Manufacturer's Liability Doctrine.

16. In using the sealer, as it was intended to be used and foreseeably used, Rebecca Thomas suffered damages and injury when she applied the product to her house located in Walker County, Alabama.

17. As a proximate result of the unreasonably dangerousness and defectiveness of the product, Rebecca Thomas was caused to suffer from acute leukemia.

WHEREFORE, Plaintiff demands judgment against the Defendant for compensatory damages, punitive damages, a reasonable attorney's fee, all other costs in an amount the Court determines to be just and fair, and any and all other relief, both general and special, to which Plaintiff is entitled.

Respectfully Submitted,

/s/ Zachary S. Morro
Zachary S. Morro (MOR192)
Attorney for Plaintiff
Morro Law Center, LLC
P.O. Box 1644
Gardendale, AL 35071
(205) 631-6301

DEFENDANT TO BE SERVED VIA CERTIFIED MAIL BY FILER AT:

BEHR Paint Company
1801 E. St. Andrew Place
Santa Ana, CA 92705



ELECTRONICALLY FILED
5/31/2022 12:05 PM
64-CV-2022-000010.00
CIRCUIT COURT OF
WALKER COUNTY, ALABAMA
SUSAN ODOM, CLERK

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION																	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature X <i>[Signature]</i></p> <p>B. Received by (Printed) <i>Behr</i></p>																	
<p>1. Article Addressed to:</p> <p>BEHR Paint Company 1801 E St. Andrew Plce Santa Ana, CA 92705</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>																	
<p>2. Article Number (Transfer from service label)</p> <p>7020 1290 0000 1728 8553</p>		<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>		<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Collect on Delivery Restricted Delivery		<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																		
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<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery																		
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		<p>Domestic Return Receipt</p>																	



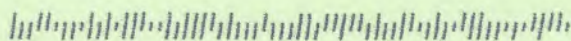
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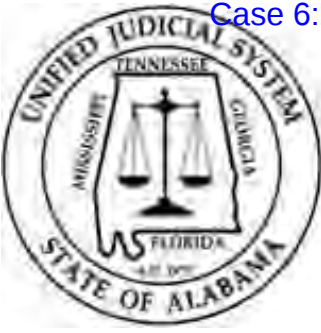
United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box •

Morro Law Center, LLC
P.O. Box 1644
Gardendale, AL 35071
RE: Thomas

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10





AlaFile E-Notice

64-CV-2022-000010.00

To: SCOTT THOMAS MORRO MR
morrolawcenter@bellsouth.net

NOTICE OF ELECTRONIC FILING

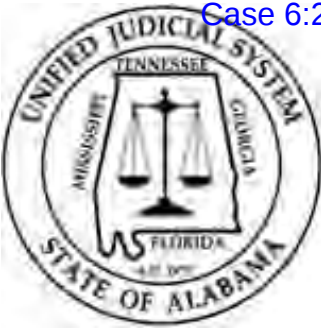
IN THE CIRCUIT COURT OF WALKER COUNTY, ALABAMA

GEORGE THOMAS, ESTATE OF REBECCA THOMAS VS BEHR PAINT COMPANY
64-CV-2022-000010.00

The following RETURN ON SERVICE - SERVED was FILED on 5/31/2022 12:04:57
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Notice Date: 5/31/2022 12:04:57 PM

SUSAN ODOM
CIRCUIT COURT CLERK
WALKER COUNTY, ALABAMA
1803 3RD AVE
SUITE 205
JASPER, AL, 35501
205-384-7268



AlaFile E-Notice

64-CV-2022-000010.00

To: BEHR PAINT COMPANY (PRO SE)
1801 E ST ANDREW PLACE
SANTA ANA, CA, 92705-0000

NOTICE OF ELECTRONIC FILING

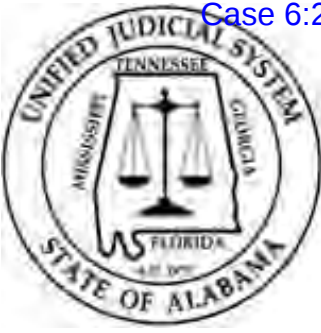
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64-CV-2022-000010.00

To: MORRO ZACHARY SCOTT
zsmorro@zsmlaw.com

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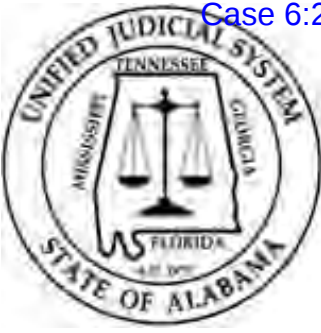
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